IN RE:

PETITION FOR ADMINISTRATIVE

ZONING VARIANCE

SS Katherine Avenue, 1000 ft.

NW of c/l of Cape May Road

404 Katherine Avenue

15th Election District
5th Councilmanic District

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 99-85-A

BEFORE THE

Daniel D. Goral, et al , Petitioners

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Daniel D. Goral and Kimberly R. Bleakley, property owners, for the property located at 404 Katherine Avenue in the Cape May Manor subdivision of eastern Baltimore County. The Petitioners herein seek a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 12 inches, in lieu of the required 10 ft., and to permit sum of both sides width of 16 ft. in lieu of the required 25 ft., for an addition, in a D.R.3.5 zone. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance, the property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

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B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property is located within the Chesapeake Bay Critical Area and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the BCZR upon completion of their findings. The relief granted shall be conditioned upon compliance with said findings.

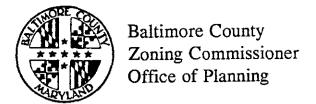
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of September 1998 that the Petition for a Zoning Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 12 inches, in lieu of the required 10 ft., and to permit sum of both sides width of 16 ft., in lieu of the required 25 ft., for an addition, in a D.R.3.5 zone, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioners shall comply with all requirements of DEPRM, as set forth in their comment dated Sept. 17, 1998, attached hereto.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

LES: mun



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

September 23, 1998

Mr. Daniel D. Goral 404 Katherine Avenue Baltimore, Maryland 21221

E: Petition for Administrative Variance

Case No. 99-85-A

Property: 404 Katherine Avenue

Dear Mr. Goral:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Zoning Commissioner

E. Schmidt

LES: mmn encl.



Peticon for Administrat

to the Zoning Commissioner of Baltimore County

for the property located at 404 KATHERINE AND BOHO. MD which is presently zoned no 35

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802, 3, C. | (BCZR)

TO PERMIT A SIDE YARD SETBACK OF 12 INCHES IN LIEU OF THE REQUIRED TO FT. AND TO PERMIT SUM OF BOTH SIDES WIDTH OF 16FT. IN LIEU OF THE REQUIRED 25 FT.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or Resulting from poor workmanship and substandard construction techniques, practiced by previous owners, serious problems exist with the foundation and footer of said house forcing corrective action and the initiation of this petition. A variance in property line set backs is required to support the repair. In lieu of jacking the house and replacing the existing foundation, a second foundation will be constructed adjacent to the existing one (adding 12" ±), thus, increasing the overall footprint of the house. Considering the impact and cost of the overall project, it is requested that a single-story addition (dining room) be added to one side of the house. A dining room does not currently exist in the house.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Balti

			the personal to the Zenting Caw for Baillinoise County.
Contract Purchaser/Lessee			. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition
			Legal Owner(s)
(Type or Print Name)			DANIEL D. GORAL (Type of Print Name)
Signature			Signature DS
Address			Kimberly R. Bleaklry
City	State	Zipcode	Signature & Blackley
Attomey for Petitioner			
Type or Print Name:			404 KATHERINE AND
Signature			SOLTIMORE MD 21221 City State Zipcode Name, Address and phone number of representative to be contacted
Address	Phone	No	DANIFEL D. GORAL
City	State	Zipcode	404 KATHERINE AVE (W) 410-381-4076 Address Phone No Phone No
			1)PUTO INV ULLI 14 14 1410-574-5222
 Public Hearing having been re not the subject matter of this pe irculation throughout Baltimore 	equested and/or toum stition be set for a pub e County, and that the	d to be required, it is orde lic hearing , advertised, o property be reposted,	red by the Zoning Commissioner of Battimore County, this day of19
	•		Zoning Commissioner of Bailumore County
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REVIEWED BY: 1511 DATE: 8-24-70

ESTIMATED POSTING DATE: 9-6-98

Printed with Soybean ink on Recycled Park

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 404 KATHERINE AR.

	Bacto.	m D	21221
That based uponIt	City	State	Zip Code
That based upon personal knowledge, the follow Variance at the above address: (indicate hardship of	owing are the facts upon w r practical difficulty)	hich I/we base the request for	an Administrative
Resulting from poor workmans previous owners, serious proble forcing corrective action and the backs is required to support the existing foundation, a second for (adding 12" ±), thus, increasing and cost of the overall project, it added to one side of the house.	ems exist with the le initiation of this e repair. In lieu of the condition will be of the overall footpoint is requested that	foundation and foor petition. A variance facking the house constructed adjacent int of the house. Constructed adjacent a single-story additional factory and factory additional factory additional factory and factory additional factory additional factory additional factory additional factory and factory additional factory and factory additional factory and factory and factory additional factory and factory additional factory and factory additional	ter of said house ce in property line set and replacing the t to the existing one onsidering the impact
That Affiant(s) acknowledge(s) that if a protest may be required to provide additional information of the control of the contr		required to pay a reposting a (algnature) KimBert, R (type or print name)	nd advertising fee and Blackley Blackley
of Maryland, in and for the County aforesaid, per	CUGUST sonally appeared KIM BIPA	. 19 <u>98</u> before me, a No	tary Public of the State
the Affiants(s) herein, personally known or satisfathat the matters and facts hereinabove set forth a	actorily identified to me as tre true and correct to the	s such Affiantt(s), and made of best of his/her/their knowled,	oath in due form of law ge and belief.
AS WITNESS my hand and Notarial Seal. B 19 98 date	NOTARY PUI	de Vodeise	l

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ITEM# 85

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ZONING DESCRIPTION FOR 404 Katherine Avenue, Baltimore, MD 21221

Beginning at a point on the Southeast side of Katherine Avenue which is 19 feet wide and a distance of 1,000 feet Northwest of the centerline of the nearest improved intersecting street Cape May Road and at the intersection of lots number fifteen and sixteen and running thence Southwesterly of said avenue fifty feet to the division of lots sixteen and seventeen being lot 16 as recorded in Baltimore County Plat Book #6, Folio #177, containing approximately 11,250 square feet or .26 acres. Also known as 404 Katherine Avenue and located in the 15th Election District, 5th Councilmanic District.

1TEM* 85 49.85-A

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CERTIFICATE OF POSTING

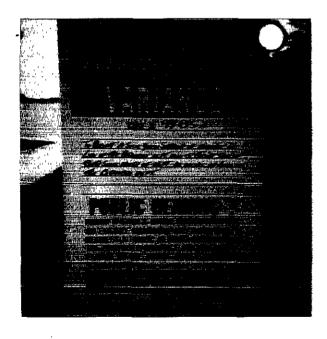
RE: Case # 99-85-A
Petitioner/Developer:
(Dan Goral)
Date of Hearing/Closing:
(Sept. 21, 1998)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentleman:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by					
law were posted conspicuously on the property located at					
484 Katherine Ave. Baltimore, Maryland 21221					
The sign(s) were posted onSept. 4, 1998					



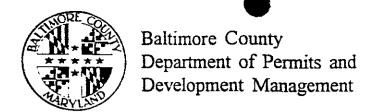
Sincerely, Signature of Sign Foster & Date)
Thomas P. Ogle, Sr
325 Nicholson Road
Baltimore, Maryland 21221
(410)-687-8405 (Telephone Number)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND SEVELOPMENT MANAGEMENT ZONING REVIEW

<u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

		- 1					•		
Case	Number	99-	85	-A	Address	404	KATHERIN	EAVE	<u>.</u>
Conta	act Perso	n: 1	KEGULO Planner,	TANG Please Print Your			Phone Number: 4	10-887-33	91
Filing	Date: _	8	24.98			9-6-98	Closing Date	9-21-	-9
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2.	me a roi	rmai	reduest for a	public near	ing Please	understand	t or owner within 1 I that even if there closing date.	,000 feet 0 is no form	to iai
3.	ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.					(c)			
4.	commiss	sione I givii certif	r), notification no notice of the	ors formal o will be for ne hearing d	request or warded to ate time an	by order or you. The	that must go to a purify the zoning or design on the proper As when the sign was be to the sign was be to the sign must be the sign must be to the sign must be the sign must b	puty zonin rty must b	ng De Ny
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Petitio	ner's Nar	ne _					lephone		

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Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

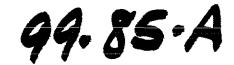
Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

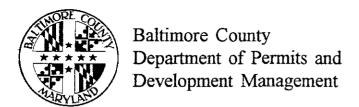
NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

	ARNOLD JABLON, DIRECTOR
For newspaper advertising:	
Item No.: 85	
Petitioner: Kimbeely R. Bleakley	& DANIEL D. GOEST
Location: 404 KATHERINE AUE.	
PLEASE FORWARD ADVERTISING BILL TO:	
NAME: DANIEL D. GORAL	
ADDRESS: 404 KATHERINE AND	ξ
Bortimore, mo 21	1221
PHONE NUMBER: 410 - 574-5322	

AJ:ggs

(Revised 09/24/96)





Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

September 21, 1998

Mr. Daniel Goral 404 Katherine Avenue Baltimore, MD 21221

RE: Item No.: 85

Case No.: 99-85-A

Location: 404 Katherine Avenue

Dear Mr. Goral:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on August 24, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours

W. Carl Richards, Jr. Zoning Supervisor

Zoning Review

WCR:qqs

Enclosures



Date: September 17, 1998

TO:

Arnold Jablon

FROM:

R. Bruce Seeley RAS/40

SUBJECT:

Zoning Item #85

Goral Daniel - 404 Katherine Avenue

	Zoning Advisory Committee Meeting of September 8, 1998
	The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
	The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
X	The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
	Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
-	Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
	X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: September 4, 1998

TO: Arnold Jablon, Director
Department of Permits
and Development Management

FROM: Arnold F. "Pat" Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item No. 83, 84, 85, 86, and 87

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Section Chief: Offry W. Long

AFK/JL



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 (410)887-4880

September 10, 1998

TO: Arnold Jablon, Director

Permits and Development Management

MAIL STOP-1105

FROM: LT. ROBERT P. SAUERWALD

FIRE MARSHAL OFFICE

MAIL STOP - 1102F, PHONE 887-4881

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF SEPT. 14, 1998.

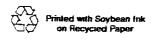
Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 084, 085, 086, 087, 088, 089 AND 090.



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

OT:

Arnold Jablon, Director

Date: September 17, 1998

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief

Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for September 14, 1998

Item No. 085

The Development Plans Review Division has reviewed the subject zoning item. The property to be developed is located adjacent to tidewater. The Developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

The minimum flood protection elevation is 11.0 feet.

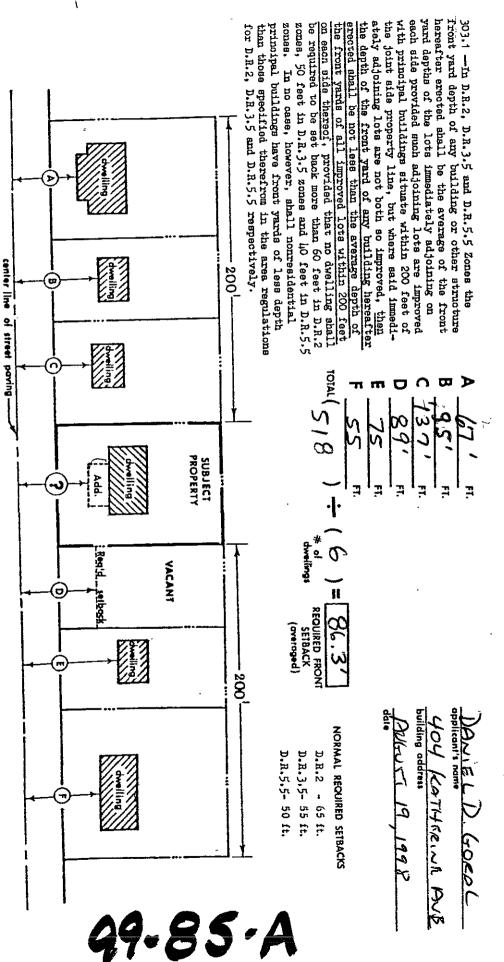
RWB:HJO:jrb

cc: File

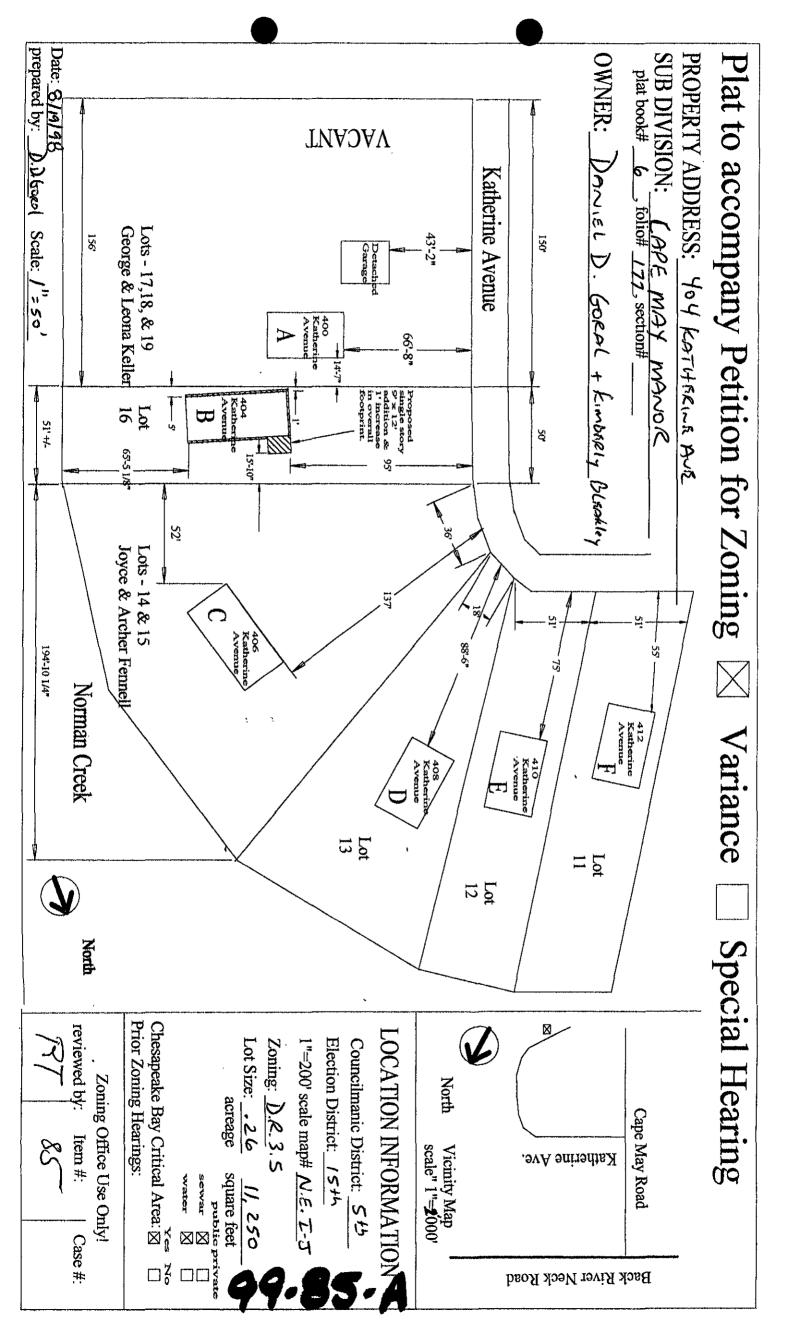
SITE PLAN TO BE USED IN DETERMINING FRONT YARD DEPTHS IN RESILENCE ZONES

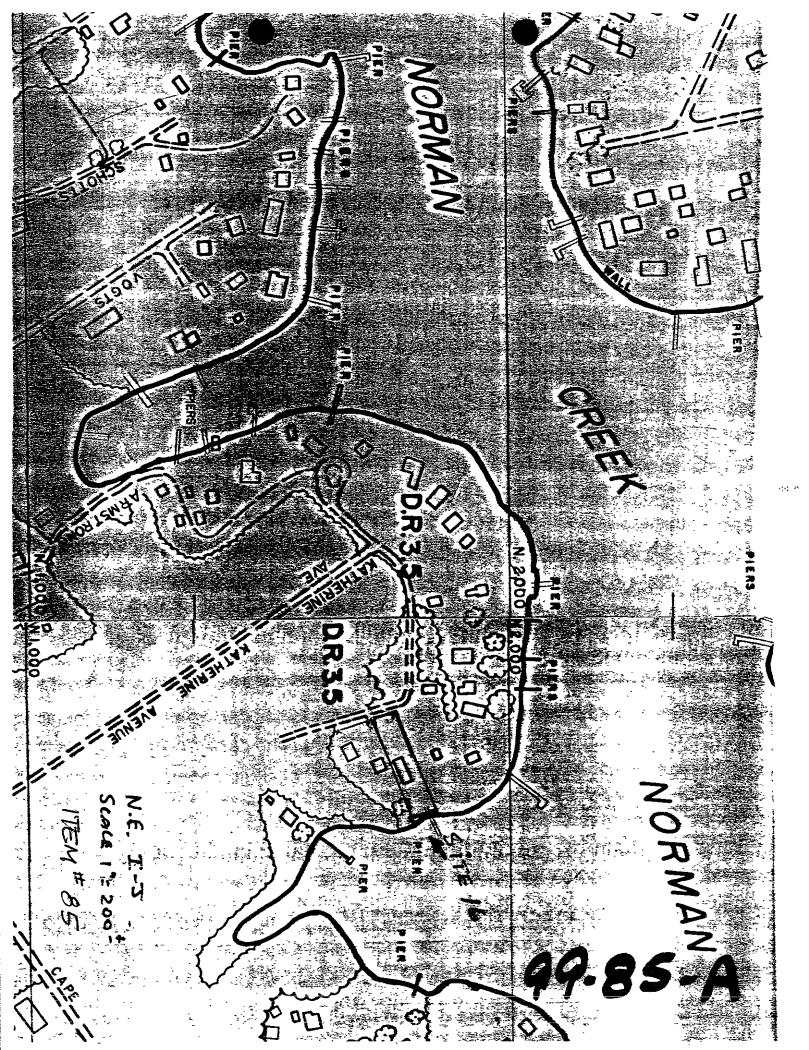
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WHEN THE IMMEDIATE ADJOINING LOTS ARE NOT IMPROVED Reference - Section 303.1 Baltimore County Zoning Regulations



58 # M 311







House AND, Neighbors House ON Lots 17,18+19



AREA Between Houses.

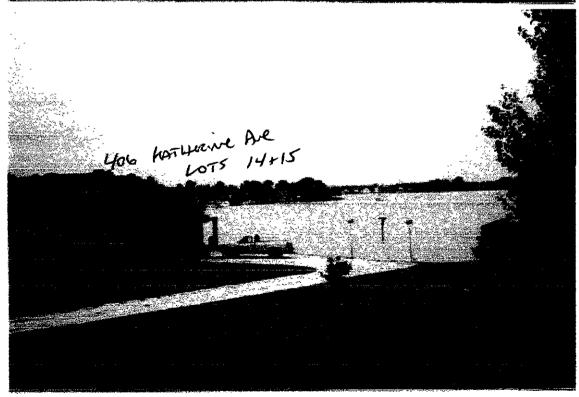
DAN GORAL 404 KATHERINE AVE. BALTO, MD. 21221

99.85-A

17EM#85 Back 1 of 4



OTHER
DWELLINGS
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SET BACK
VORIANCES



DAN GORAL 404 KATHERINE AVE

175M#85 Page 2 of 4



FRONT VIEW OF 404 + 400 KATHERINE BUENVE



FRONT UTEN OF 400 KATHERINE AM. WI DEJOCHED GOENGE

DAN GORDI 404 KATHBEINE ANE

1TEM#85 Area 3054

view of Existinh FOLMATION MISSING morror Crocks. M JOINTS RYLESS GAP BeTWE MISSING Block morror 1~ 20, VLZ

DAN GORDI 404 KATHERNE AVE.

ITEM#85

PAGE 4 OF 4

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